

Direction: CITY1782.DSS

Vice Chairperson Costa called the regular meeting of the Plan and Zoning Commission to order at 5:31 p.m. on Monday, May 8, 2017, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Andersen, Costa, Hatfield, Southworth.....Present
Brown, Crowley, Erickson,Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of April 24, 2017

Vice Chairperson Costa asked for any comments or modifications to the April 24, 2017 minutes.

Moved by Commissioner Southworth, seconded by Commissioner Andersen, the Plan and Zoning Commission approved the April 24, 2017 meeting minutes.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

Item 2 – Public Hearings

2a – Greenway Crossing PUD, South of Bishop Drive between 90th Street and 92nd Street – Amend PUD Parcel H Setbacks to allow 30 feet front yard setbacks – Gregg Gustafson – ZC-003443-2017

Vice Chairperson Costa opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on April 28, 2017.

Vice Chairperson Costa asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Hatfield, seconded by Commissioner Southworth, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

Caleb Smith, McClure Engineering, 1360 NW 121st Street, Clive, noted that during the sale of one of the townhomes, a discrepancy between the PUD and the plat for the front yard setback was discovered. The PUD provides for a 35 foot setback and the plat was approved with a 30 feet setback. This request is to amend the PUD to provide for a 30 foot front yard setback. The project already is constructed. This change will eliminate an unintentional non-conforming status for this project.

Commissioner Hatfield asked if the applicant was in agreement with staff's comments. Mr. Smith replied affirmatively.

Kara Tragesser, Planner, stated that she had no additional comments to relay at this time.

Vice Chair Costa asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Moved by Commissioner Southworth, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the rezoning request (ZC-003443-2017) for the purpose of amending the Greenway Crossing Planned Unit Development for Parcel H front yard setbacks subject to the applicant meeting all City Code requirements.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

2b – Glen Oaks Buffer Vacation Plat 8, 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane – Vacate 30 foot rear yard buffer park easement along the rear (west) lot lines of 5968, 5946, 5924 and 5965 Dogwood Lane and 1365 Tulip Tree Lane – Glen Oaks Owners Association – VAC-003429-2017

Vice Chair Costa opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on April 28, 2017.

Vice Chair Costa asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Hatfield, seconded by Commissioner Andersen, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

Lynne Twedt, Development Services Director, stated that due to the reconstruction of S. 60th Street the applicant is requesting to install a fence on the rear yard property line. The applicant's property is the shallowest lot of the affected properties and was platted with the rear yard setback equal to the buffer size, effectively providing no back yard to the property. A trail has been installed along the rear property line when S. 60th Street was reconstructed. The rear yard buffer park affects five (5) lots along the buffer park. Staff is in support of the vacation request.

Vice Chair Costa asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Moved by Commissioner Hatfield seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the vacation request (VAC-003429-2017) for the purpose of vacating a 30 foot buffer park easement along the rear (west) lot lines of 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane subject to the applicant meeting all City Code requirements.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes

Brown, Crowley, Erickson.....Absent
Motion carried.

2c – Amendment to City Code, Title 9 – Amend Title 9, Chapter 6, Section 6-3 and Title 9, Chapter 10 to regulate hardware stores in the Neighborhood Commercial District – City Initiated – AO-003456-2017

Vice Chair Costa opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on May 3, 2017.

Vice Chair Costa asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Southworth, seconded by Commissioner Andersen, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

Planner Tragesser explained that the ordinance amendment would allow hardware stores within the Neighborhood Commercial (NC) zoning district. The request was prompted by a request for a hardware store at the former Dahl's location at 5003 EP True Parkway. Staff reviewed this request on a City wide basis and completed research on what is considered a true hardware store and not a home improvement store. The proposed amendment to the city code includes provisions to limit the size of the store as well as outside display and storage.

Vice Chair Costa asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Moved by Commissioner Hatfield, seconded by Commissioner Southworth, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an Ordinance to amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) to regulate SIC 5251 Hardware Stores and to amend Title 9, Chapter 10, performance standards to regulate outdoor display and storage in the Neighborhood Commercial zoning district.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

2d – PUD Acreage Amendment – Amend Title 9 (Zoning), Chapter 4 (Zoning Districts and Map), Section 3 (Definition of Districts), Subsection A-25 (PUD – Planned Unit Development District) and Chapter 9 (Planned Unit Development District), to modify definitions and regulations pertaining to the acreage requirements for Planned Unit Development Districts – City Initiated – AO -003430-2017

Vice Chairperson Costa opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des

Moines Register on April 24, 2017.

Vice Chair Costa asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Southworth, seconded by Commissioner Andersen, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

Director Twedt noted that the amendment stems from a resident which identified a conflict in the zoning ordinance where the definition for a planned unit development (PUD) indicated a minimum size of 10 acres for a PUD but the code section regarding PUDs indicated no minimum requirement. The amendment will provide consistency within the code and indicate that there is no minimum acreage requirement for a PUD.

Vice Chair Costa asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Moved by Commissioner Andersen, seconded by Commissioner Southworth, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an ordinance to amend the City Code of the City of West Des Moines, Iowa 2014 by amending Title 9 (Zoning), Chapter 4 (Zoning Districts and Map), Section 3 (Definitions of Districts), Subsection A-25 (Planned Unit Development District), Section 2 (Residential Density and Minimum Acreage) to modify definitions and regulations pertaining to Planned Unit Development Districts.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

4a - Woodland Hills of West Des Moines Plat 3, West side of S. 91st Street, 550 ft. south of the Cascade Avenue and S. 91st Street intersection- subdivide the property into 14 postage stamp lots for construction of a detached townhome development – Kimberly Development Corporation, LLC – PP-003129-2016/SP-003130-2016

Josh Trygstad, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, representing the applicant, Kimberly Development, briefly highlighted the project stated that the proposed request is for a preliminary plat for 14 postage stamp lots, located south of Cascade Avenue along S 91st Street. The site does meet the current PUD requirements. At some point, the site will include some grading at the request of the West Des Moines Parks and Recreation Department along the greenbelt due to extreme erosion occurring. The applicant is in agreement with staff's comments and conditions.

Vice Chair Costa raised a question with regard to the width of the private street. Mr. Trygstad replied that he believes it is 24 feet wide back of curb-to-curb per City requirements.

Linda Schemmel, Development Coordinator, commented that staff is continuing to review the architecture for Woodland Hills Plat 3 and 4, which will be based on the architecture already approved for Woodland Hills Plat 2.

Vice Chair Costa asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Andersen, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Preliminary Plat to subdivide the property into 14 lots and approve a Site Plan for the construction of 14 detached townhomes with the following conditions of approval:

1. The applicant acknowledging that there shall be consistency in architectural style and compatibility in materials and colors between all homes. At the time of Building Permit submittal, should a home design be determined by staff to be inconsistent to the approved images provided with this site plan, staff approval of a Level 1 Minor Modification Permit Application will be necessary prior to the issuance of a building permit, including footing and foundation permit; and
2. A minimum of five feet (5') as measured from the lot line of the postage stamp lot to the closest element of the dwelling building, including roof overhangs, bump-outs, bay windows, window wells, etc. shall be provided.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
 Brown, Crowley, Erickson.....Absent
 Motion carried.

4b – Woodland Hills of West Des Moines Plat 4, South side of Cascade Ave, 840 ft. west of the Cascade Avenue and S. 91st Street intersection - subdivide the property into 9 postage stamp lots for construction of a detached townhome development – Kimberly Development Corporation, LLC – PP-003131-2016/SP-003132-2016

Josh Trygstad, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, representing the applicant, Kimberly Development, briefly highlighted the proposal stating that they are requesting a Preliminary Plat approval for nine (9) postage stamp lots, located south of Cascade Avenue west of S. 91st Street and is approximately 2.99 acres in size. As part of the request they are proposing to minimize grading, provide detention on the site, and provide stabilization along the west boundary where the waterway is located. The applicant is in agreement with staff's comments and conditions.

Vice Chair Costa asked if anyone from the audience would like to speak to this item.

Dan Miller, 832 S. Balsam Street, stated that he lives just west of the proposed development across the greenway and indicated concern with the removal of trees for grading purposes. He noted that it was also a concern of his neighbors. He would like to know if the removal of the trees is necessary and will they be replaced.

Mr. Trygstad answered that they will minimize the grading that extends into the area. There are required landscaping requirements. There will be some trees planted along the street to provide screening. Any additional tree installation would need to be discussed with the applicant (developer).

Development Coordinator Schemmel stated that staff did confirm with Parks and Recreation and they are comfortable with grading past the plat boundary and that they were not concerned with tree loss in the area.

Moved by Commissioner Southworth, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Preliminary Plat to subdivide the property into 9 lots and approve a Site Plan for the construction of 9 detached townhomes with the following conditions of approval:

1. The applicant acknowledging that there shall be consistency in architectural style and compatibility in materials and colors between all homes. At the time of Building Permit submittal, should a home design be determined by staff to be inconsistent to the approved images provided with this site plan, staff approval of a Level 1 Minor Modification Permit Application will be necessary prior to the issuance of a building permit, including footing and foundation permit; and
2. A minimum of five feet (5') as measured from the lot line of the postage stamp lot to the closest element of the dwelling building, including roof overhangs, bump-outs, bay windows, window wells, etc. shall be provided.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes

Erickson, Brown, Crowley - absent

Motion carried.

4c – Hawthorne Centre East Patio, 9500 University – Install Patio on the East Side of Building - Hawthorne Plaza, LLC – MML1-003448-2017

Bob Gibson, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, representing the applicant, Hawthorne Plaza, LLC, stated that the request is for approval of patio space on the east side of the building. The minor modification request includes two patios, one on the west side for R Taco, which has been administratively approved, and one on the east for Barn Town, which is the subject of this action.

The applicant requests approval of a patio which proposes to extend over the sidewalk adjacent to the building to enable a 3-row layout of the patio for tables and chairs. Mr. Gibson noted that if the patio was unable to extend into the sidewalk, that the walk aisles between the rows will be too small. Mr. Gilson believes that the proposal is not unprecedented nor is it uncommon that there is not a continual sidewalk along a building. They are proposing to add planters for aesthetic purposes and so that the area is not assumed as a sidewalk. There is ample handicapped parking located throughout the entire center. The applicant would like to have an opening on the south end of patio – Mr. Gibson provided photos of the handicapped parking space as well as the patio area. He also provided several examples of parking and sidewalks of other areas of the City (Drury Inn, West Glen Town Center, a bank). He concluded that they are not proposing to use any wheel stops, but will use planter pots instead.

Pete Faber, 2220 Westbrooke Drive, Waukee, owner of Barn Town, briefly stated that they would like to add more tables for more of a community feel.

Planner Tragesser commented that there is an existing sidewalk all around the building. Staff is of the opinion that the code requirement needs to be followed where a sidewalk adjacent to the building should be six feet wide if adjacent to head-in parking to allow for a two foot overhang and four foot walking space.

Commissioner Hatfield inquired if the patio could be extended further north or south to provide the same number of tables, yet maintain the six foot wide sidewalk. It would allow the walk to remain as is and provide them the same patio but just slightly different.

Mr. Gibson answered that the code being referenced is a sidewalk with head-in parking. The issue is that the applicant is not required to have continual sidewalk. If the original plans illustrated grass areas or landscaping, there would be no discussion. The applicant is not requesting a reduction in the City Code for the sidewalk issue. They are requesting to have that section of the sidewalk eliminated.

Commissioner Hatfield asked again the applicant if they had considered extending the patio.

Mr. Faber responded that part of the north area is covered with an overhang and is very dark and that they wanted to maximize the outside area as much as they could.

Mr. Faber added that his main goal is to provide something nice such as planters/greenery instead of grass. Six (6) parking spaces would be eliminated and most of the clientele will come through the parking to the restaurant.

Vice Chair Costa asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Vice Chair Costa explained that he can see the City's point in that if you have a sidewalk you should comply with Code requirements established for sidewalk, but at the same time that if it wasn't there, it wouldn't be an issue but, unfortunately, the sidewalk does exist and that the applicant will need to comply with Code requirements.

Commissioner Hatfield indicated agreement with Vice Chair Costa's comments.

Moved by Commissioner Hatfield, seconded by Commissioner Erica, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Minor Modification (MML1-003448-2017) for the patio on the east side of the east building at 9500 University Avenue subject to modifications with the following conditions of approval:

1. The applicant insuring that a minimum six foot sidewalk between the back of curb for the head-in parking on the east side of the building at 9500 University Avenue and the patio boundary is maintained at all times.
2. Providing final minor modification drawings which reflect such prior to installation of the patio.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

4d - Whisper Rock at Quail Cove, North of Cherrywood Drive and West of S. 50th Place - Approval of Revised Preliminary Plat Landscaping Plan and Approval of Extension of Entitlement – PP-0027802-2015

Chris Thompson, Cooper Crawford and Associates, 475 S 50th Street, Suite 800, West Des Moines, briefly stated that their request is to modify the landscape plan for the preliminary plat due to the zoning and platting being changed from medium density (townhomes) to single family residential. With the zoning of single family residential, there is no requirement for open space landscaping as there was with

the medium density residential zoning. The modified preliminary plat landscape plan reflects the removal of the open space landscaping.

Vice Chair Costa asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Southworth, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a revised Preliminary Plat Landscape Plan for the Whisper Rock at Quail Cove with the following condition of approval:

1. That final landscape plans be submitted for city approval prior to the final plat proceeding to the City Council.

Vote: Andersen, Costa, Hatfield, Southworth.....Yes
Brown, Crowley, Erickson.....Absent
Motion carried.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Vice Chair Costa asked for a motion to adjourn the meeting.

Motion by Commissioner Andersen, seconded by Commissioner Hatfield, to adjourn the meeting.

The meeting adjourned at 6:17 p.m.

Chris Costa, Vice Chair

Michelle Riesenber, Recording Secretary